

**Becker County Planning Commission
July 15, 2008**

Present: Jeff Moritz, John McGovern, John Lien, Harry Johnston, Phil Majerus, Commissioner Larry Knutson, Jim Kovala, Jim Bruflodt, Mary Seaberg, Ray Thorkildson, Zoning Administrator Patricia Swenson and Zoning Staff Debi Moltzan.

Chairman Bruflodt called the meeting to order at 7:00 p.m. Debi Moltzan took the minutes.

Minute Approval: Kovala made a motion to approve the minutes from the June 17, 2008 meeting. Moritz second. All in favor. Motion carried. Minutes approved.

Bruflodt explained the protocol for the meeting and stated that the recommendations of the Planning Commission will be forwarded to the County Board of Commissioners for final action on Tuesday, July 22, 2008.

FIRST ORDER OF BUSINESS: Ronald and Sandra Field. Request a conditional use permit to park cars on the property during We Fest and have a lighted sign approximately 50 – 75 feet before the driveway on the property described as: Pt SE ¼ NW ¼ & NE ¼ SW ¼ Beg 8.31 feet E of SW Cor SE ¼; Section 16, TWP 138 Range 41; Lake View Township. PID Number 19.0321.001. The property is located at 25300 Co Hwy 22.

Swenson explained that the applicant, at the June 17, 2008 meeting, tabled this application. Swenson stated that the Field's have agreed to not have a lighted sign, and have worked out an agreement with FACE. The entire agreement contains points that are not a concern of the Planning Commission regarding this application. The agreement states that FACE will allow the people parking on Fields to cross Co Hwy 22, enter the campground and use the walking path. This addresses the Planning Commission's concern about people being on Co Hwy 22 right of way, along with addressing the concerns of the Becker County Highway Department and the Becker County Sheriff's Department. With this agreement, Sheriff Tim Gordon rescinds his previous letter of objection. Swenson suggested that, if approved, stipulations pertaining to this agreement should be part of the conditional use permit.

Bruflodt reiterated the points in the agreement and asked Ron Field how many cars he is looking at parking. Field stated that they would be able to park 50 cars. Bruflodt questioned if the sign would be lighted. Field stated that the sign would not be lighted.

Kovala questioned if there would be security at the road crossing. Swenson stated that the Viking Campground access is right across the road from the Field's approach. Swenson stated that there is either a security guard or a deputy sheriff assigned to that location. Seaberg questioned if this agreement would address the concerns of the Becker

County Highway Department. Swenson stated that the concerns of the highway department were that there be no foot traffic in the county road right of way, which this agreement addresses. Seaberg questioned if the agreement between Field and FACE needed to be signed before the Planning Commission can make its recommendation. Swenson stated that it did not because the agreement contains many other issues that need to be worked out between Field and FACE that are not a concern of the County, but the conditional use permit would need to have a stipulation that this agreement is in place to be valid. Johnston questioned how the people would get to the walking path since the ditch is now full of water. Field stated that they would have to walk around the wetland.

No one spoke in favor of the application. No one spoke against the application. There was no further written correspondence either for or against the application. At this time, testimony was closed and further discussion was held.

Brufloft stated that the questions by the Planning Commission have been answered, but felt that the conditional use permit should have a stipulation that the conditional use permit would be valid only as long as there is an agreement with FACE. Lien also felt that the questions have been answered.

Motion: Lien made a motion to approve a conditional use permit to park cars on the property during WE FEST with the stipulations that the maximum number of cars to be parked is 50 and that the conditional use permit is only valid as long as there is an agreement with FACE to allow access through the campground based on the fact that the agreement allow for no foot traffic on Co Hwy 22 and addresses the safety concerns of the Becker County Sheriff and Becker County Highway Department. Johnston second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Holly & Judith Bergstrom. Request approval of a certificate of survey for a 7.8 acre tract of land to be split into two parcels (3.3 acres and 4.5 acres) for the property described as Lot 4 East of CSAH #27 and N of TWP Rd, Section 27, TWP 140, Range 40; Holmesville Township. PID Number 16.0176.000. The property is located at 23096 Duffney Road and is on Momb Lake.

Swenson explained that the applicant had tabled this application from an earlier meeting.

Dave Heyer, Surveyor, explained that the property would be split into two tracts of land to allow the daughter to build a house. Access to the best building site on the new tract would be from CSAH #27.

Lien questioned how much buildable area there was on the new lot. Heyer stated that there was 31,000 sq ft on each lot. Lien questioned how much buildable area was on each side of the wetland. Heyer stated that about half of the buildable area was on each side of the wetland. Kovala questioned if the new lot would have lake access. Swenson stated that, if the new lot were to use the lake, both lots would share an access the existing access.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from William Holzgrove in favor of the application. At this time, testimony was closed and further discussion was held.

Johnston questioned if the Environmental Review Technical Panel looked at the certificate of survey. Swenson stated that they did and stated that the ERTTP looks at the environmental impacts and that the Planning Commission looks at how the application fits with the criteria of the Zoning Ordinance.

Discussion was held regarding allowing a conditional use permit to allow two dwellings on the property instead of subdividing the property. Knutson stated that the Board is concerned with protecting the lake and suggested that, if possible, leave the entire shoreline intact with the parcel with the existing house, along with all the land north of the wetland and create a buildable tract south of the wetland, with access from Duffney Road. Lien questioned the required lot size. Swenson stated that this application was received prior to the new lot size requirements on natural environment lakes, so the old ordinance would apply. Swenson also stated that two things need to be looked at and kept separate when making a determination. Useable area is the lot area excluding wetlands and road right of ways. The required useable area is 80,000 sq ft. Buildable area is the amount of land that lies within the building setbacks. The required buildable area is 2,000 sq ft.

Knutson questioned Heyer if he understood his suggestion for splitting his lot. Heyer stated that he understood and felt that it could be done if it were agreed upon by the Bergstroms. Swenson stated that the applicant could table the application to either submit a new survey showing the split as suggested by Knutson or stake out the house location on the proposed lot so that the Planning Commission could re-visit the site. Knutson also stated that a conservation easement could also be placed on the shoreline. Swenson stated that the Becker County Soil and Water Conservation did not comment on the application because it was their understanding through the Environmental Review Technical Panel that there would be no impact to the wetlands.

Pete Randolph, Holmesville Township, was concerned about the flow of the wetlands and that any work to be done should not restrict this flow, whether a bridge or a culvert is installed.

At this time, Bergstrom asked to table his application.

THIRD ORDER OF BUSINESS: Chris and Dawn Rofidal. Request a conditional use permit to exceed the 1.5 story accessory structure regulation based on the fact that the structure would take advantage of the natural topography of the parcel. The accessory structure would not exceed 22 feet and would be built into a hillside. The request is for the property described as: Pt Govt Lots 6 & 7, Comm SW Cor Govt Lot 6 Th E 394.64 ft; Section 2, TWP 142, Range 38; Round Lake Township. The property is located on Juggler Lake and is located at 39187 W Juggler Road. PID Number 25.0135.002.

Dawn Rofidal explained the application to the Board. Rofidal wants to keep their garage behind the line of sight of the neighbors. They want to take advantage of the natural topography with a smaller footprint building being tucked into the hillside. The height of the structure would be less than 22 feet and would be constructed further from the lake than the existing flat surface. Johnston questioned the height of the structure. Swenson stated how the height of a structure is determined is outlined in the Zoning Ordinance definitions.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Mike Gunderson and James and Nancy Ulring, all in favor of the application. At this time, testimony was closed and further discussion was held.

Kovala questioned the outside entrance to the upper floor. Rofidal stated that she misspoke as to which side the entrance was from. Kovala questioned the need for the extra space. Rofidal stated that they needed a secure area for their tools and toys. Kovala questioned the need for a second story when a one and one-half story is allowed. Rofidal stated that they needed a handicapped assessable location for someone to stay. Rofidal stated that a similar conditional use permit was granted to Lindstrom on Bad Medicine Lake. Knutson stated that Lindstrom had a severe topographical problem; there was no level area on the lot. Knutson stated that the Rofidal lot did have a level spot. Rofidal stated that they are trying to keep the footprint smaller by utilizing the topography. Rofidal stated that their lot is not large enough for a guesthouse and they do not want a second dwelling on the property.

Lien stated that the plan is a good plan, but the Board must be consistent. In all fairness, the Board has denied several other requests. Seaberg stated that the garage could be constructed one story and made larger and put the living quarters on one end.

Motion: Lien made a motion to deny the request for a conditional use permit to exceed the 1.5 story accessory structure based on the fact that it is not compatible with the surrounding area, the topography does not dictate this type of construction and other similar requests have been denied. Seaberg second. All in favor. Motion carried.

FOURTH ORDER OF BUSINESS: Paul and Peter Balega. Request a change of zone from agricultural to residential and approval of a certificate of survey for a 4.5 acre tract of land to be divided into two tracts of land (41,900 sq ft and 152,800 sq ft) for the property described as: Part of Govt Lot 3 & 4 and pt NW ¼ SE ¼; Section 10, TWP 139, Range 40; Erie Township. PID Number 10.0096.000. The property is located on the east shore of Pickerel Lake.

Paul Balega, Peter Balega and Scott Walz explained the application. Walz stated that the one tract of land would be divided into two tracts. The property meets or exceeds the requirements of the Zoning Ordinance. Walz stated that the current water level is about 1.5 feet above the ordinary high water mark.

Kovala questioned if the public road would be extended. Walz stated that one tract would own the 66 ft strip to the public road and the other tract would be served by an easement. Walz stated that if further subdivision would be done, the road would require updating.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Eric and Clair Johnson, with concern of further subdivision. At this time, testimony was closed and further discussion was held.

Johnston stated that the application meets all the requirements of the Zoning Ordinance.

Motion: Johnston made a motion to approve the change of zone from agricultural to residential and approve a certificate of survey for two tracts of land based on the fact that the application meets the requirements of the Zoning Ordinance and is compatible to the surrounding area. Kovala second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: Gerald Bierdeman. Request a change of zone from agricultural to residential for one tract of land and approve a certificate of survey to allow one tract of land 43,649 sq ft in size and a remnant tract of 5.17 acres for the property described as Pt Govt Lots 2 & 3; Section 34, TWP 138, Range 43; Cormorant Township. PID Number 06.0457.000. The property is located at 10213 Sherbrooke Beach Lane.

Dave Heyer and Gerald Bierdeman explained the application. The request for a change of zone is on the 43,649 sq ft tract and the remnant tract of 5.17 acres would remain agricultural. The lots meet or exceed the requirements of the Zoning Ordinance.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence either for or against the application. At this time, testimony was closed. Further discussion was held.

Lien stated that the application and survey are straightforward and meet the criteria of the Zoning Ordinance.

Motion: Lien made a motion to approve the subdivision of one tract of land into a 43,639 sq ft tract and 5.17 acre tract of land and the change of zone from agricultural to residential for the 43,649 sq ft tract of land based on the fact that the request meets the criteria of the Zoning Ordinance and is compatible with the surrounding area. Seaberg second. All in favor. Motion carried.

SIXTH ORDER OF BUSINESS: Final Plat of The Plantation.

Swenson stated that the preliminary plat of six lots and change of zone was approved in January 2008. The plat was approved with a conservation easement. The final plat is in order for final approval.

Motion: Kovala made a motion to approve the final plat based on the fact that it meets the criteria of the Zoning Ordinance. Moritz second. All in favor. Motion carried.

SEVENTH ORDER OF BUSINESS: Informational Meeting.

The tentative date for the next informational meeting is scheduled for Thursday, August 14, 2008 at 8:00 am at the Planning & Zoning Office.

Since there was no further business to come before the Board, Kovala made a motion to adjourn the meeting. Thorkildson second. All in favor. Motion carried.

Jim Brufloft, Chairman

Jeff Moritz, Secretary

ATTEST _____

Patricia Swenson, Administrator